

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 23, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAY G. KIMPEL,

Plaintiff,

v.

DR. DEBRA LINDSAY,

Defendant.

No. 2:25-CV-121-MKD

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE/*IN FORMA PAUPERIS*
REQUIREMENTS

Plaintiff, an individual currently incarcerated at Airway Heights Corrections Center, filed this *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 on April 15, 2025. ECF No. 1. He did not pay the filing fee to commence the action as required by 28 U.S.C. § 1914. He also failed to comply with 28 U.S.C. § 1915(a)(2), which requires prisoners who seek to bring a civil action without prepayment of the filing fee to submit a certified copy of their inmate account statement (or the institutional equivalent) for the six months immediately

1 preceding the filing of the complaint. Further, Plaintiff did not submit the
2 required Acknowledgment and Authorization form.

3 By letter dated April 15, 2025, the Clerk of Court directed Plaintiff to
4 complete and return the Acknowledgment and Authorization form provided and to
5 submit a certified statement of his inmate account (or institutional equivalent) for
6 the six months immediately preceding the submission of his complaint (also
7 known as a PLRA statement). ECF No. 3. The Clerk of Court instructed that
8 after Plaintiff had complied with these requirements or paid the applicable fee of
9 \$405 (\$350 filing fee, plus \$55 administrative fee), his case would be presented to
10 the Court for review. *Id.*

11 On May 15, 2025, this Court issued an Order to Comply with Filing Fee/*In*
12 *Forma Pauperis* Requirements. ECF No. 4. Plaintiff was again directed to
13 complete and return the Acknowledgment and Authorization form. *Id.* at 2-3. He
14 was also ordered to submit a certified copy of his six-month inmate account
15 statement (or institutional equivalent) for the period immediately preceding April
16 15, 2025. *Id.* at 3. In the alternative, Plaintiff was instructed to pay the full \$405
17 filing fee. *Id.* Plaintiff was cautioned that failure to comply with the Order within
18 thirty (30) days would result in the dismissal of this case. *Id.* Plaintiff did not
19 comply with these directives and has filed nothing further in this action.
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1 Accordingly, **IT IS ORDERED:**

2 1. For the reasons set forth above and, in the Court's prior Order, ECF No.
3 4, this action is **DISMISSED WITHOUT PREJUDICE** for failure to comply
4 with the filing fee and *in forma pauperis* requirements of 28 U.S.C. §§ 1914 and
5 1915.

6 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal
7 of this Order would not be taken in good faith and would lack any arguable basis
8 in law or fact.

9 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
10 **enter judgment**, provide copies to Plaintiff, and **CLOSE** the file.

11 DATED June 23, 2025.

12
13 *s/Mary K. Dimke*
14 MARY K. DIMKE
15 UNITED STATES DISTRICT JUDGE
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